



Warwickshire
County Council

Wildlife & Countryside Act 1981
Definitive Map of Public Rights of Way for
Warwickshire

form

C

Planning Transport & Economic
Strategy, PO Box 43, Shire Hall,
Warwick, CV34 4SX

Application for Modification Order
to ADD a Route to the Map

Applicant's Full name ALEXANDER JAMES DEAN
Address 6 WOODBINE STREET,
Town LEAMINGTON SPA Postcode CV32 5TG
Daytime Tel: Work: 01926-425127 Home: 01926-312009
Occupation TEACHER Date of Birth 20/4/44

I hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the County of Warwick by Adding the following route as a -

Public Footpath / ~~Public Bridleway~~ / ~~Byway Open to All Traffic~~

As shown on the attached map. See Document A
and kept enclosed with Form B *delete as appropriate

Please describe the route carefully and explain exactly where the route starts (from a point on a road or path), the line it follows and exactly where it finishes. Colour the line of the route on a 1: 2500 scale Ordnance Survey Map and mark the position of any obstructions, fences, stiles or gates. Also note the width and surface type of the route at several points if it varies.

If possible give an Ordnance Survey 8 figure grid reference for the start and finish of the route.

Grid References: Start... SP 3128 6603 ...Finish... SP 3135 6603...

Description :

The route starts on Woodbine Street, Leamington Spa, between no. 1a (the joiner's workshop) and no. 1 (Honeysuckle Cottage) and follows an easterly direction to New Brook Street. The first part consists of a narrow gravel and grass path approximately 1.2 metres wide. This leads into a metalled roadway which runs between the rear of the Star and Garter and the grounds of Westbrook House to emerge into New Brook Street on the south side of Dell House. The roadway is approximately 3.5 metres in width where the gate to the construction site is, 9 metres maximum at the rear of the Star and Garter and approximately 4 metres where it meets New Brook Street. There is a wooden gate without a lock or latch at the Woodbine Street end. Otherwise there are no obstructions apart from the fence and gate erected earlier this year by the developer of 1 Warwick Place / 2 Warwick Street. Please see my letter of 18 April, 2000, with its enclosed map which appears to show a fence or gate at the eastern end of the narrow pathway which is not in fact there and does not appear on previous maps (e.g. document A).

Signed:

A. J. Dean

Date:

7/6/00

Claim No.
Office use only

Please see other side

Making your Application

Note on this application form all the documents you are using as evidence, attach copies if possible and any photographs.

Please ask anyone who wishes to give evidence that they have used the route, to fill in a "Witness Statement" Form G. Collect the completed forms and return them with your application.

Before returning your application form you must send to each owner / occupier / tenant of the land crossed by your claim:

- ♦ A Notice of Application for Modification Order - Form A

Your completed application form should then be returned to the County Council with :

- ♦ A certificate of Notice of Application for Modification Order - Form B, listing the owners / occupiers to whom you sent a copy of Form A
- ♦ Evidence - documents, plans, photographs, witness statement forms (form G)

*You may find it helpful to keep a copy of all the information you send to the County Council.

Send your application to - The Definitive Map Team,
Warwickshire County Council
Planning Transport & Economic Strategy
PO Box 43, Shire Hall,
Warwick, CV34 4SX. Telephone: (01926) 412889

Evidence in support of your claim -

Documents 9 (number of pages attached)

Please attach a copy of any documents or maps you are using as evidence. Include the document reference number and title and give the full name and address of the Library, Record Office, University or person in possession of the original document.

Photographs 15 (number attached)

These should be securely mounted on card, stout paper or in plastic wallets, each should be clearly numbered and labelled with the date and place it was taken and if possible please show the location of the photograph on a plan.

Witness Statement Forms (G) 4 (number attached)

Please number each form and make a list with the name, address and number of each person who has completed a "witness statement" (G) in support of your application, on *this* form (C).

Briefly, why do you believe this route is a public right of way ?

I believe that this route is a public right of way, as it has been open for at least 20 years and local residents have been able to use it without hindrance throughout that time. I myself have used it frequently during the last 12 years as a short cut from Woodbine Street to Westgate House, Westgate Street and Regent Street.

List of documents supplied in evidence.

- A. Copy of a section of an Ordnance Survey map dated 1969 (PLAN SP 3166 SW) clearly showing a way through from Woodbine Street past the rear of the Star and Garter to emerge in New Brook Street beside Dell House. The original is at Leamington Spa Public Library.
- B. Copy of part of an indenture of conveyance to George Sewell dated 1854 showing the plans for the first five houses on Woodbine Street (then called Greville Street) and the pathway running along the north side of the first plot and turning southwards along the east sides of the first three plots to give access to the property of George Sewell (number 4).
- C. Copy of a deed of mortgage dated 1932 with schedule attached pertaining to number 4 Woodbine Street and to the joint use of a pathway four foot wide running from Woodbine Street, and liability to pay for a proportion of the upkeep of the whole pathway.
- D. Copy of a conveyance pertaining to number 4 Woodbine Street dated 1962 referring to the pathway in similar terms to document C.
- E. Solicitor's letter to the present owners of number 4 referring to document D.

The originals of documents B, C, D and E are in the possession of Mr and Mrs Alan George of 4 Woodbine Street.

- F. Office Copy of the filed plan for title number WK 322255 (2 Warwick Street) issued on 14 April, 2000, by the Gloucester Land Registry, Twyver House, Bruton Way, Gloucester, GL1 1DQ.
- G. Office Copy of the register entry for title number WK 322255 (2 Warwick Street) issued on 14 April, 2000 by the Gloucester Land Registry. The register entry shows that as early as 1964 a conveyance of the land in this title mentions that it has the benefit of a right of way over the land shown in pink on document F (i.e. to the rear of the Star and Garter giving access to New Brook Street), but is subject to a right of way over the part of the property shown in blue. This latter area is contiguous to the pathway from Woodbine Street referred to in documents B, C, D and E without any barrier, fence or gate between the two (see map in document A) and can only mean that a right of way from New Brook Street to the Woodbine Street pathway has existed *de iure*, so to speak, as well as *de facto* from at least 1964.
- H. Copy of the developer's map delineating the site boundary of 1 Warwick Place / 2 Warwick Street, which is shown here in black with a capital letter "R" and an arrow pointing to it on five sides. The boundary is marked in red on the original which is filed under planning application no. W990465 at Warwick D.C. Planning Office, 1 Warwick New Road, Leamington Spa. There is a discrepancy between this and document F in respect of the eastern edge of 2 Warwick Street. The site boundary appears to have incorporated a section of the roadway beyond and to the east of the southern end of the main building to which the Land Registry plan appears to give no sanction.
- I. Letter from 91 year old Mrs. E. M. Grimmett testifying to the existence of a way through from Woodbine Street to New Brook Street which has been there since she moved into the former Brook Street when she was 4 years old. Mrs. Grimmett felt rather daunted at the prospect of completing a proper witness form, so I have included the letter in the evidence section.

List your witnesses

- (1) Mrs. P. Bradlock,
46 New Brook Street, Leamington Spa.
- (2) Mr. C. C. L. Davis,
40c Bisswood Avenue, Leamington Spa CV32 5SG
- (3) Mrs. J. Davis,
205 Mylin Road, Warwick, CV34 6QD
- (4) Mrs. M. C. Marshall,
38 New Brook Street, Leamington Spa, CV32 5AS

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